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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 23, 2014

David J. Weinand, President
Michael Gonzalez, Operations Manager
Southwestern Wire, Inc.
4318 Dudley Blvd., Building 475E
McClellan, CA 95652

Re: Notice of Violations and Intent to File Suit under the Federal Water Pollution Control Act

Dear Mr. Weinand and Mr. Gonzalez:

I am writing on behalf of California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Clean Water Act (the "Act") that CSPA believes are occurring at Southwestern Wire facility located at 4318 Dudley Blvd., Building 475E, in McClellan, CA ("Facility"). CSPA is a non-profit public benefit corporation dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the Sacramento River and other California waters. This letter is being sent to Southwestern Wire, Inc., David J. Weinand, and Michael Gonzalez as the responsible owners or operators of the Facility (all recipients are hereinafter collectively referred to as "Southwestern Wire").

This letter addresses Southwestern Wire's unlawful discharge of pollutants from the Facility to Magpie Creek, which flows to Steelhead Creek, then into the Sacramento River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit").[1]

[1] On April 1, 2014, the State Board reissued the General Permit, continuing its mandate that industrial facilities implement the best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") and, in addition, establishing numeric action levels mandating additional pollution control efforts. State Board Order 2014-0057-DWQ. The new permit, however, does not go into effect until July 1, 2015. Until that time, the current General Permit remains in full force and effect.

The WDID identification number for the Facility listed on documents submitted to the California Regional Water Quality Control Board, Central Valley Region ("Regional Board") is 5S34I021305. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Southwestern Wire is hereby placed on formal notice by CSPA that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CSPA intends to file suit in federal court against Southwestern Wire under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

On November 28, 2007, the State Board received and processed Southwestern Wire's Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI"). In its NOI, Southwestern Wire certifies that the Facility is classified under SIC Code 3496 (Miscellaneous Fabricated Wire Products). Southwestern Wire manufactures chain link fences and bale tie wire at the Facility, where it rents a 37,000 square-foot warehouse and a 21,000 square-foot storage area. The Facility collects and discharges storm water from at least four outfalls. On information and belief, CSPA alleges that all storm water discharges from the Facility contain storm water that is commingled with runoff from the Facility from areas where industrial processes occur. The outfalls discharge to Magpie Creek, which flows to Steelhead Creek, then into the Sacramento River.

The Regional Board has identified beneficial uses of the Central Valley Region's waters and established water quality standards for the Sacramento River and its tributaries, which include Magpie Creek and Steelhead Creek, in "The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board, Central Valley Region – The Sacramento River Basin and The San Joaquin River Basin," generally referred to as the Basin Plan. *See* http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf. The beneficial uses of the Sacramento River and its tributaries, including Magpie Creek and Steelhead Creek, include, among others, water contact recreation, non-contact water recreation, municipal and domestic water supply, endangered and threatened species habitat, shellfish harvesting, and fish spawning. The non-contact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are

not limited to, picnicking, sunbathing, hiking, camping, boating, . . . hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." Basin Plan at II-1.00 – II-2.00. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the Sacramento River for contact and non-contact water recreation.

The Basin Plan establishes water quality standards for the Sacramento River. It includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." *Id.* at III-8.01. It provides that "[w]ater shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses." *Id.* at III-5.00. It provides that "[w]ater shall be free of discoloration that causes nuisance or adversely affects beneficial uses." *Id.* The Basin Plan also provides that "[w]aters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses." *Id.* at III-9.00. It provides that "[w]aters shall not contain suspended materials in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at III-7.00. The Basin Plan also prohibits the discharges of oil and grease, stating that "[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses." *Id.* at III-6.00. The Basin Plan provides that the pH shall not be depressed below 6.5 nor raised above 8.5. *Id.*

The Basin Plan also provides that "[a]t a minimum, [surface] water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs) specified in the following provisions of Title 22 of the California Code of Regulations, which are incorporated by reference into this plan: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of Section 64431, Table 64444-A (Organic Chemicals) of Section 64444, and Table 64449-A (Secondary Maximum Contaminant Levels ["SMCLs"]-Consumer Acceptance Limits) and 64449-B (Secondary Maximum Containment Levels-Ranges) of Section 64449. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. Table 64449-A provides an SMCL for iron of 0.3 mg/L. Table III-1 of the Basin Plan provides a water quality objective ("WQO") for iron of 0.3 mg/L and for zinc of 0.1 mg/L. Table 64449-A provides an SMCL for aluminum of 0.2 mg/L and for iron of 0.3 mg/L. Table 64431-A provides an MCL for aluminum of 1 mg/L.

The EPA has adopted a freshwater numeric water quality standard for zinc of 0.12 mg/L (Criteria Maximum Concentration – "CMC"). 65 Fed.Reg. 31712 (May 18, 2000) (California Toxics Rule).

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT").[2]

[2] The Benchmark Values can be found at:

The following benchmarks have been established for pollutants discharged by Southwestern Wire: pH – 6.0 - 9.0 standard units ("s.u."); total suspended solids ("TSS") – 100 mg/L; total organic carbon ("TOC") – 110 mg/L; aluminum – 0.75 mg/L; N+N – 0.68 mg/L; iron – 1.0 mg/L; and zinc – 0.13 mg/L.[3]

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit

Southwestern Wire has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

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http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf and http://cwea.org/p3s/documents/multi-sectorrev.pdf (Last accessed on December 22, 2014).

[3] The value for zinc is hardness dependent, and corresponds to a total hardness of 100-125 mg/L, which is the default listing in the California Toxics Rule.

Southwestern Wire has discharged and continues to discharge storm water with unacceptable levels of pH, TSS, TOC, aluminum, iron, N+N, zinc, and other pollutants in violation of the General Permit. Southwestern Wire's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained concentrations of pollutants in excess of numeric water quality standards and in violation of narrative water quality standards established in the Basin Plan and the California Toxics Rule. They have thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2), are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit, and constitute unauthorized discharges of pH, aluminum, iron, N+N, zinc, and storm water associated with industrial activity in violation of Section 301(a) of the CWA.

Date	**Parameter**	**Observed Concentration/ Conditions**	**Basin Plan Water Quality Objective/ EPA California Toxics Rule**	**Outfall (as identified by the Facility)**
10/22/2012	pH	5.9 mg/L	6.5 – 8.5 s.u.	DP #3
2/28/2014	Aluminum	1.28 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #1
2/28/2014	Aluminum	2.72 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #2
2/28/2014	Aluminum	1.3 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #3
2/28/2014	Aluminum	2.19 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #4
2/8/2014	Aluminum	4.73 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #1
2/8/2014	Aluminum	2.39 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #2
2/8/2014	Aluminum	2.55 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #3
2/8/2014	Aluminum	0.891 mg/L	0.2 mg/L (SMCL)	DP #4
2/19/2013	Aluminum	1.28 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #1
2/19/2013	Aluminum	1.03 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #2
2/19/2013	Aluminum	0.565 mg/L	0.2 mg/L (SMCL)	DP #3
2/19/2013	Aluminum	0.529 mg/L	0.2 mg/L (SMCL)	DP #4

11/8/2012	Aluminum	0.949 mg/L	0.2 mg/L (SMCL)	DP #1
11/8/2012	Aluminum	1.62 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #2
11/8/2012	Aluminum	1.08 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #3
11/8/2012	Aluminum	0.685 mg/L	0.2 mg/L (SMCL)	DP #4
10/22/2012	Aluminum	0.213 mg/L	0.2 mg/L (SMCL)	DP #1
10/22/2012	Aluminum	0.243 mg/L	0.2 mg/L (SMCL)	DP #2
10/22/2012	Aluminum	0.262 mg/L	0.2 mg/L (SMCL)	DP #3
10/22/2012	Aluminum	0.829 mg/L	0.2 mg/L (SMCL)	DP #4
3/31/2012	Aluminum	0.825 mg/L	0.2 mg/L (SMCL)	DP #1
10/5/2011	Aluminum	0.533 mg/L	0.2 mg/L (SMCL)	DP #1
11/20/2010	Aluminum	0.756 mg/L	0.2 mg/L (SMCL)	DP #1
11/7/2010	Aluminum	1.43 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	DP #1
2/25/2010	Aluminum	8.87 mg/L	1 mg/L (MCL) / 0.2 mg/L (SMCL)	Outfall #1
2/28/2014	Iron	1.6 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #1
2/28/2014	Iron	3.64 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #2
2/28/2014	Iron	1.78 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #3
2/28/2014	Iron	3.21 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #4
2/8/2014	Iron	6.72 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #1
2/8/2014	Iron	3.58 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #2
2/8/2014	Iron	3.97 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #3
2/8/2014	Iron	1.18 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #4
2/19/2013	Iron	2.22 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #1
2/19/2013	Iron	1.85 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #2
2/19/2013	Iron	1.05 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #3
2/19/2013	Iron	0.807 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #4
11/8/2012	Iron	2.39 mg/L	0.3 mg/L (WQO) /	DP #1

			0.3 mg/L (SMCL)	
11/8/2012	Iron	2.31 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #2
11/8/2012	Iron	1.49 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #3
11/8/2012	Iron	2.06 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #4
10/22/2012	Iron	0.522 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #1
10/22/2012	Iron	0.412 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #2
10/22/2012	Iron	0.916 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #3
10/22/2012	Iron	1.23 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #4
3/31/2012	Iron	1.34 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #1
10/5/2011	Iron	0.773 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #1
11/20/2010	Iron	0.411 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #1
11/7/2010	Iron	1.92 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	DP #1
2/25/2010	Iron	13.8 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	Outfall #1
2/28/2014	Zinc	0.404 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #1
2/28/2014	Zinc	0.503 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #2
2/28/2014	Zinc	0.907 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #3
2/28/2014	Zinc	0.912 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #4
2/8/2014	Zinc	1.32 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #1
2/8/2014	Zinc	0.915 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #2
2/8/2014	Zinc	1.06 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #3
2/8/2014	Zinc	0.576 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #4
2/19/2013	Zinc	1.06 mg/L	0.1 mg/L (WQO) /	DP #1

			0.12 mg/L (CMC)	
2/19/2013	Zinc	1.2 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #2
2/19/2013	Zinc	0.837 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #3
2/19/2013	Zinc	0.544 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #4
11/8/2012	Zinc	2.11 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #1
11/8/2012	Zinc	1.87 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #2
11/8/2012	Zinc	1.32 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #3
11/8/2012	Zinc	1.84 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #4
10/22/2012	Zinc	0.522 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #1
10/22/2012	Zinc	1.65 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #2
10/22/2012	Zinc	9.52 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #3
10/22/2012	Zinc	2.41 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #4
3/31/2012	Zinc	0.466 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #1
10/5/2011	Zinc	0.975 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #1
11/20/2010	Zinc	0.316 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #1
11/7/2010	Zinc	0.685 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	DP #1
2/25/2010	Zinc	1.04 mg/L	0.1 mg/L (WQO) / 0.12 mg/L (CMC)	Outfall #1
4/1/2014	Narrative	Cloudy	Basin Plan at III-7.00	DP #1
4/1/2014	Narrative	Cloudy	Basin Plan at III-7.00	DP #2
4/1/2014	Narrative	Cloudy	Basin Plan at III-7.00	DP #3
4/1/2014	Narrative	Cloudy	Basin Plan at III-7.00	DP #4
3/26/2014	Narrative	Cloudy	Basin Plan at III-7.00	DP #1
3/26/2014	Narrative	Cloudy	Basin Plan at III-7.00	DP #2
3/26/2014	Narrative	Cloudy	Basin Plan at III-7.00	DP #3
3/26/2014	Narrative	Cloudy	Basin Plan at III-7.00	DP #4

2/28/2014	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	DP #1
2/28/2014	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	DP #2
2/28/2014	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	DP #3
2/28/2014	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	DP #4
2/8/2014	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	DP #1
2/8/2014	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	DP #2
2/8/2014	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	DP #3
2/8/2014	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	DP #4
2/19/2013	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #1
2/19/2013	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #2
2/19/2013	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #3
2/19/2013	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #4
10/22/2012	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #1
10/22/2012	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #2
10/22/2012	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #3
10/22/2012	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #4
3/31/2012	Narrative	Oil Sheen	Basin Plan at III-6.00	DP #1
1/19/2012	Narrative	Cloudy/Oil Sheen	Basin Plan at III-6.00; Basin Plan at III-7.00	DP #1
5/10/2010	Narrative	Cloudy	Basin Plan at III-7.00	DP #1
4/12/2010	Narrative	Cloudy	Basin Plan at III-7.00	DP #1
3/2/2010	Narrative	Cloudy	Basin Plan at III-7.00	DP #1
2/25/2010	Narrative	Cloudy/Turbid	Basin Plan at III-7.00; Basin Plan at III-9.00	Outfall #1
2/4/2010	Narrative	Cloudy	Basin Plan at III-7.00	DP #1
1/13/2010	Narrative	Cloudy	Basin Plan at III-7.00	Not Indicated

The information in the above table reflects data gathered from Southwestern Wire's self-monitoring during the 2009-2010, 2010-2011, 2011-2012, 2012-2013, and 2013-2014 wet seasons. CSPA alleges that since December 23, 2009, and continuing through today, Southwestern Wire has discharged storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- pH – 6.5 – 8.5 s.u. (Water Quality Objective)
- Aluminum – 1 mg/L (MCL)
- Aluminum – 0.2 mg/L (SMCL)
- Iron – 0.3 mg/L (Water Quality Objective)
- Iron – 0.3 mg/L (Secondary MCL)
- Zinc – 0.12 mg/L (CMC)
- Zinc – 0.1 mg/L (Water Quality Objective)
- Oil Sheen – Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses. (Basin Plan at III-6.00)
- Suspended Material – Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses. (Basin Plan at III-7.00)
- Turbidity – Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. (Basin Plan at III-9.00)

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2), are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit and constitute unauthorized discharges of TSS, iron, zinc, and storm water associated with industrial activity in violation of Section 301(a) of the CWA.

Date	Parameter	Observed Concentration	EPA Benchmark Value	Outfall (as identified by the Facility)
2/28/2014	Aluminum	1.28 mg/L	0.75 mg/L	DP #1
2/28/2014	Iron	1.6 mg/L	1.0 mg/L	DP #1
2/28/2014	Zinc	0.404 mg/L	0.13 mg/L	DP #1
2/28/2014	Total Suspended Solids	135 mg/L	100 mg/L	DP #2
2/28/2014	Aluminum	2.72 mg/L	0.75 mg/L	DP #2
2/28/2014	Iron	3.64 mg/L	1.0 mg/L	DP #2
2/28/2014	Zinc	0.503 mg/L	0.13 mg/L	DP #2
2/28/2014	Total Suspended Solids	152 mg/L	100 mg/L	DP #3
2/28/2014	Aluminum	1.3 mg/L	0.75 mg/L	DP #3
2/28/2014	Iron	1.78 mg/L	1.0 mg/L	DP #3
2/28/2014	Zinc	0.907 mg/L	0.13 mg/L	DP #3
2/28/2014	Aluminum	2.19 mg/L	0.75 mg/L	DP #4
2/28/2014	Iron	3.21 mg/L	1.0 mg/L	DP #4
2/28/2014	Zinc	0.912 mg/L	0.13 mg/L	DP #4
2/8/2014	Total Suspended Solids	166 mg/L	100 mg/L	DP #1
2/8/2014	Aluminum	4.73 mg/L	0.75 mg/L	DP #1

2/8/2014	Iron	6.72 mg/L	1.0 mg/L	DP #1
2/8/2014	Zinc	1.32 mg/L	0.13 mg/L	DP #1
2/8/2014	Total Suspended Solids	166 mg/L	100 mg/L	DP #2
2/8/2014	Aluminum	4.73 mg/L	0.75 mg/L	DP #2
2/8/2014	Iron	6.72 mg/L	1.0 mg/L	DP #2
2/8/2014	Zinc	1.32 mg/L	0.13 mg/L	DP #2
2/8/2014	Total Suspended Solids	117 mg/L	100 mg/L	DP #3
2/8/2014	Aluminum	2.55 mg/L	0.75 mg/L	DP #3
2/8/2014	Iron	3.97 mg/L	1.0 mg/L	DP #3
2/8/2014	Zinc	1.06 mg/L	0.13 mg/L	DP #3
2/8/2014	Aluminum	0.891 mg/L	0.75 mg/L	DP #4
2/8/2014	Iron	1.18 mg/L	1.0 mg/L	DP #4
2/8/2014	Zinc	0.576 mg/L	0.13 mg/L	DP #4
2/19/2013	Aluminum	1.28 mg/L	0.75 mg/L	DP #1
2/19/2013	Iron	2.22 mg/L	1.0 mg/L	DP #1
2/19/2013	Zinc	1.06 mg/L	0.13 mg/L	DP #1
2/19/2013	Aluminum	1.03 mg/L	0.75 mg/L	DP #2
2/19/2013	Iron	1.85 mg/L	1.0 mg/L	DP #2
2/19/2013	Zinc	1.2 mg/L	0.13 mg/L	DP #2
2/19/2013	Iron	1.05 mg/L	1.0 mg/L	DP #3
2/19/2013	Zinc	0.837 mg/L	0.13 mg/L	DP #3
2/19/2013	Zinc	0.544 mg/L	0.13 mg/L	DP #4
11/8/2012	Aluminum	0.949 mg/L	0.75 mg/L	DP #1
11/8/2012	Iron	2.39 mg/L	1.0 mg/L	DP #1
11/8/2012	Nitrate + Nitrite as N	0.695 mg/L	0.68 mg/L	DP #1
11/8/2012	Zinc	2.11 mg/L	0.13 mg/L	DP #1
11/8/2012	Aluminum	1.62 mg/L	0.75 mg/L	DP #2
11/8/2012	Iron	2.31 mg/L	1.0 mg/L	DP #2
11/8/2012	Zinc	1.87 mg/L	0.13 mg/L	DP #2
11/8/2012	Total Suspended Solids	154 mg/L	100 mg/L	DP #3
11/8/2012	Aluminum	1.08 mg/L	0.75 mg/L	DP #3
11/8/2012	Iron	1.49 mg/L	1.0 mg/L	DP #3
11/8/2012	Nitrate + Nitrite	0.804 mg/L	0.68 mg/L	DP #3
11/8/2012	Zinc	1.32 mg/L	0.13 mg/L	DP #3
11/8/2012	Iron	2.06 mg/L	1.0 mg/L	DP #4
11/8/2012	Zinc	1.84 mg/L	0.13 mg/L	DP #4
10/22/2012	Zinc	0.522 mg/L	0.13 mg/L	DP #1
10/22/2012	Nitrate+Nitrite as N	1 mg/L	0.68 mg/L	DP #2
10/22/2012	Zinc	1.65 mg/L	0.13 mg/L	DP #2
10/22/2012	pH	5.9 mg/L	6.0 – 9.0 s.u.	DP #3
10/22/2012	Total Organic Carbon	286 mg/L	110 mg/L	DP #3
10/22/2012	Total Suspended Solids	220 mg/L	100 mg/L	DP #3

10/22/2012	Nitrate + Nitrite as N	0.98 mg/L	0.68 mg/L	DP #3
10/22/2012	Zinc	9.52 mg/L	0.13 mg/L	DP #3
10/22/2012	Aluminum	0.829 mg/L	0.75 mg/L	DP #4
10/22/2012	Iron	1.23 mg/L	1.0 mg/L	DP #4
10/22/2012	Zinc	2.41 mg/L	0.13 mg/L	DP #4
3/31/2012	Aluminum	0.825 mg/L	0.75 mg/L	DP #1
3/31/2012	Iron	1.34 mg/L	1.0 mg/L	DP #1
3/31/2012	Zinc	0.466 mg/L	0.13 mg/L	DP #1
10/5/2011	Zinc	0.975 mg/L	0.13 mg/L	DP #1
11/20/2010	Aluminum	0.756 mg/L	0.75 mg/L	DP #1
11/20/2010	Zinc	0.316 mg/L	0.13 mg/L	DP #1
11/7/2010	Aluminum	1.43 mg/L	0.75 mg/L	DP #1
11/7/2010	Iron	1.92 mg/L	1.0 mg/L	DP #1
11/7/2010	Nitrate + Nitrite as N	1.35 mg/L	0.68 mg/L	DP #1
11/7/2010	Zinc	0.685 mg/L	0.13 mg/L	DP #1
2/25/2010	Total Suspended Solids	523 mg/L	100 mg/L	Outfall #1
2/25/2010	Aluminum	8.87 mg/L	0.75 mg/L	Outfall #1
2/25/2010	Iron	13.8 mg/L	1.0 mg/L	Outfall #1
2/25/2010	Zinc	1.04 mg/L	0.13 mg/L	Outfall #1

The information in the above table reflects data gathered from Southwestern Wire's self-monitoring during the 2009-2010, 2010-2011, 2011-2012, 2012-2013, and 2013-2014 wet seasons. CSPA alleges that since at least December 23, 2009, Southwestern Wire has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- pH – 6.0 – 9.0 s.u.
- Total Suspended Solids – 100 mg/L
- Total Organic Carbon – 110 mg/L
- Aluminum – 0.75 mg/L
- Iron – 1.0 mg/L
- Nitrate + Nitrite as N – 0.68 mg/L
- Zinc – 0.13 mg/L

CSPA's investigation, including its review of Southwestern Wire's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and EPA's benchmark values, indicates that Southwestern Wire has not implemented BAT and BCT at the Facility for its discharges of pH, TSS, TOC, aluminum, iron, N+N, zinc, and other pollutants, in violation of Effluent Limitation B(3) of the General Permit. Southwestern Wire was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, Southwestern Wire is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CSPA alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since December 23, 2009 and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CSPA alleges that Southwestern Wire has discharged storm water containing impermissible and unauthorized levels of pH, TSS, TOC, aluminum, iron, N+N, and zinc in violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.[4]

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of pH, TSS, TOC, aluminum, iron, N+N, zinc, and storm water associated with industrial activity in violation of Section 301(a) of the CWA. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Southwestern Wire is subject to penalties for violations of the General Permit and the Act since December 23, 2009.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program.

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the "quality and quantity of the facility's storm water discharges from the storm event."

The above-referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Southwestern Wire is not representative of the quality of the Facility's various storm water discharges and that

[4] The rain dates on the attached table are all the days when 0.1" or more rain was observed at a weather station in Fair Oaks, California, approximately 9.5 miles from the Facility. http://www.ipm.ucdavis.edu/WEATHER/SITES/sacramento.html (Last accessed on December 23, 2014).

the Facility failed to monitor all qualifying storm water discharges, CSPA alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit.

In addition, on information and belief, CSPA alleges that Southwestern Wire failed to sample and analyze storm water discharges from Outfalls DP #2, DP #3, and DP#4 during the 2009-2010, 2010-2011, and the 2011-2012 wet seasons. This results in at least 18 violations of the General Permit.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Southwestern Wire is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since December 23, 2009.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.

Section A and Provision E(2) of the General Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including

structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated annually to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CSPA's review of conditions at Southwestern Wire and Southwestern Wire's Annual Reports indicate that Southwestern Wire has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Southwestern Wire has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. For example, on information and belief, despite multiple assurances in its Annual Reports that it would implement BMPs to reduce the iron concentrations in its storm water discharges, the Facility has failed to adequately evaluate and revise its BMPs to reduce those iron concentrations. Southwestern Wire has been in continuous violation of Section A and Provision E(2) of the General Permit every day since December 23, 2009, and will continue to be in violation every day that Southwestern Wire fails to prepare, implement, review, and update an effective SWPPP. Southwestern Wire is subject to penalties for violations of the Order and the Act occurring since December 23, 2009.

D. Failure to File True and Correct Annual Reports.

Section B(14) of the General Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the previous three years, Southwestern Wire and its agents David J. Weinand and Michael Gonzalez, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, Southwestern Wire has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Permit every time Southwestern Wire failed to submit a complete or correct report and every time Southwestern Wire or its agents falsely purported to comply with the Act. Southwestern Wire is subject to penalties for violations of Section (C) of the General Permit and the Act occurring since June 29, 2010.

III. Persons Responsible for the Violations.

CSPA puts Southwestern Wire, David J. Weinand, and Michael Gonzalez on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts Southwestern Wire on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of California Sportfishing Protection Alliance is as follows:

Bill Jennings, Executive Director
California Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204
Tel. (209) 464-5067
deltakeep@me.com

V. Counsel.

CSPA has retained legal counsel to represent it in this matter. Please direct all communications to:

Michael R. Lozeau
Douglas J. Chermak
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
Tel. (510) 836-4200
michael@lozeaudrury.com
doug@lozeaudrury.com

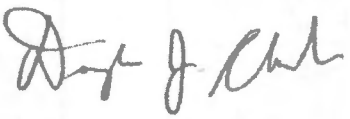
VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Southwestern Wire to a penalty of up to $37,500 per day per violation for all violations. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CSPA intends to file a citizen suit under Section 505(a) of the Act against Southwestern Wire and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CSPA would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CSPA suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period.

CSPA does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Douglas J. Chermak
Lozeau Drury LLP
Attorneys for California Sportfishing Protection Alliance

cc via first class mail: Kathlyn Moore
Agent for Service of Process for Southwestern Wire, Inc.
(Entity No. C3049283)
4318 Dudley Blvd., Building 475E
McClellan, CA 95652

SERVICE LIST – via certified mail

Gina McCarthy Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Pamela C. Creedon, Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

ATTACHMENT A

Rain Dates, Southwestern Wire, McClellan, CA

1/12/2010	12/25/2010	1/21/2012
1/13/2010	12/26/2010	1/22/2012
1/17/2010	12/28/2010	1/23/2012
1/18/2010	12/29/2010	1/24/2012
1/19/2010	1/1/2011	1/25/2012
1/20/2010	1/2/2011	1/26/2012
1/21/2010	2/16/2011	1/27/2012
1/22/2010	2/17/2011	1/28/2012
2/4/2010	2/18/2011	1/29/2012
2/5/2010	2/19/2011	1/30/2012
2/6/2010	2/24/2011	1/31/2012
2/9/2010	2/25/2011	2/1/2012
3/10/2010	3/2/2011	2/2/2012
3/12/2010	3/6/2011	2/3/2012
3/25/2010	3/13/2011	2/4/2012
3/31/2010	3/14/2011	2/5/2012
4/4/2010	3/15/2011	2/6/2012
4/11/2010	3/16/2011	2/7/2012
4/12/2010	3/18/2011	2/8/2012
4/20/2010	3/19/2011	2/9/2012
4/21/2010	3/20/2011	2/10/2012
4/28/2010	3/23/2011	2/11/2012
5/10/2010	3/24/2011	2/12/2012
5/25/2010	3/26/2011	2/13/2012
5/26/2010	4/21/2011	2/14/2012
5/27/2010	4/25/2011	2/15/2012
6/25/2010	5/9/2011	2/16/2012
10/23/2010	5/15/2011	2/17/2012
10/24/2010	5/17/2011	2/18/2012
10/30/2010	5/25/2011	2/19/2012
11/7/2010	5/28/2011	2/20/2012
11/19/2010	6/1/2011	2/21/2012
11/20/2010	6/4/2011	2/22/2012
11/23/2010	6/28/2011	2/23/2012
11/27/2010	10/4/2011	2/24/2012
12/2/2010	10/5/2011	2/25/2012
12/4/2010	10/6/2011	2/26/2012
12/5/2010	10/10/2011	2/27/2012
12/6/2010	11/5/2011	2/28/2012
12/14/2010	11/19/2011	2/29/2012
12/17/2010	11/20/2011	3/1/2012
12/18/2010	11/24/2011	3/13/2012
12/19/2010	1/19/2012	3/14/2012
12/22/2010	1/20/2012	3/16/2012

ATTACHMENT A

Rain Dates, Southwestern Wire, McClellan, California

3/17/2012	12/5/2012	4/1/2014
3/18/2012	12/13/2012	4/25/2014
3/25/2012	12/17/2012	5/5/2014
3/27/2012	12/21/2012	9/25/2014
3/28/2012	12/22/2012	10/31/2014
3/31/2012	12/23/2012	11/1/2014
4/3/2012	12/25/2012	11/13/2014
4/4/2012	1/5/2013	11/20/2014
4/5/2012	1/6/2013	11/22/2014
4/6/2012	2/19/2013	11/28/2014
4/7/2012	3/20/2013	11/30/2014
4/8/2012	3/23/2013	12/2/2014
4/9/2012	3/24/2013	12/3/2014
4/10/2012	11/19/2013	12/6/2014
4/11/2012	11/20/2013	12/11/2014
4/12/2012	11/21/2013	12/12/2014
4/13/2012	12/6/2013	12/15/2014
4/25/2012	1/29/2014	12/16/2014
6/4/2012	1/30/2014	12/19/2014
10/22/2012	2/6/2014	12/20/2014
10/23/2012	2/7/2014	12/21/2014
11/1/2012	2/8/2014	12/22/2014
11/8/2012	2/9/2014	
11/9/2012	2/26/2014	
11/16/2012	2/27/2014	
11/17/2012	2/28/2014	
11/18/2012	3/2/2014	
11/20/2012	3/3/2014	
11/21/2012	3/5/2014	
11/28/2012	3/10/2014	
11/29/2012	3/25/2014	
11/30/2012	3/26/2014	
12/1/2012	3/29/2014	
12/2/2012	3/31/2014	